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March 12, 2020

California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090  
*Via electronic delivery to: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)*

Re: Comments on FGC MRC Agenda Item 7(B)  
Marine aquaculture in California

Dear Commissioners,

The Environmental Action Committee of West Marin (EAC) is based in Point Reyes Station and has been working to protect the unique lands, waters, and biodiversity of West Marin since 1971. Since our inception, we have been committed to the health of West Marin's estuaries, bays, and watersheds including our strong focus on Tomales Bay.

While we hope to attend the Marine Resources Committee (MRC) meeting in person, we also submit these comments in awareness of the possibility that the MRC may get cancelled due to COVID-19 or that we may be unable to attend due to travel restrictions.

These comments are focused on MRC Agenda Item 7(B); however, we are interested to understand the connected MRC Agenda Item 7(A) regarding the Fish and Wildlife Department (Department)'s informational report on marine aquaculture in California and the discussion around a programmatic environmental impact report and the related next steps. We hope there will be many opportunities for public input and dialogue on this topic, including input from all key stakeholders.

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Without a chance to review the related staff report, as it is not yet publicly available, we submit these comments in general support of Agenda Item 7(B). These comments are focused on Tomales Bay aquaculture as protection of West Marin's watersheds is central to EAC's mission.

We have long since recognized and advocated for additional agency regulation, monitoring and compliance oversight related to aquaculture operations on Tomales Bay. Consistent with that sentiment, we have been advocating to the Fish and Game Commission (Commission) for aquaculture best management practices since 2015. We have also publicly stated that we oppose any new leases before a BMP rulemaking takes place.

Our support for Agenda Item 7(B), a *temporary hiatus in considering new applications for state water bottom leases for the purpose of aquaculture*, is consistent with EAC's past positions. We support the recommendation that new leases should not be considered for Tomales Bay without additional environmental review for key considerations, including, but not limited to, shorebird, waterbird, marine mammal, intertidal habitat, and eelgrass impacts. As a point of clarification, we recommend that this temporary hiatus apply to any lease applications which may have been received and/or accepted, but which have not yet been determined to be in the public interest.

In addition, we would like to request a public update on the proposed San Andreas Shellfish lease for Tomales Bay. We understand that there have been communications between the Department and the applicant, and in the interest of transparency, a public update would be much appreciated and in everyone's best interest.

Agenda Item 7(B) is also consistent with the California Ocean Protection Council's Strategic Plan Objective 4.2 to promote sustainable aquaculture by developing a statewide action plan which considers such valuable concerns such as minimizing impacts to habitat, biodiversity, and wild fisheries, as well as including best practices for eliminating detrimental environmental impacts.<sup>1</sup> We support these considerations and the additional research which may be needed to support the development of a well-thought out and adaptive action plan.

While we understand this temporary hiatus is in part correlated to staff capacity, we take this opportunity to support the temporary moratorium based on environmental concerns. We are acutely aware of the threats to our coastal and estuarine areas like Tomales Bay posed by

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<sup>1</sup> See California Ocean Protection Council, *Strategic Plan to Protect California's Coast and Ocean 2020–2025*, February 26, 2020.

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changing climatic conditions and other concerns. There is no need to exacerbate this already sensitive and threatened environment with additional industry. As Dr. Nils Warnock, Director of Conservation Science at Audubon Canyon Ranch, pointed out in his March 3, 2020 comments to your Commission, production numbers in Tomales Bay have greatly increased, while shorebird numbers are on a severe decline.

While many of the goals supported by a best management practices rulemaking have been accomplished through the California Coastal Commission's (CCC) coastal development permit (CDP) amendments, in which the CCC is including enforceable permit conditions around marine debris and other environmental considerations, we continue to advocate for additional review of Tomales Bay aquaculture and a BMP rulemaking process. We generally support the CCC's CDP amendment efforts and your Commission's consistency with these efforts, in addition to the Commission and Department's monitoring lease compliance including around lease boundaries.

While many improvements have been made on Tomales Bay related to the loss of aquaculture marine debris, the Bay continues to depend on all of the state agencies' close attention to any and all industrial practices on the Bay. Additionally, the Bay is facing an unknown future with changing conditions, and there has never been a better time to employ a precautionary principle.

We thank the MRC, the Commission and the Department for their commitment to sustainable aquaculture and coastal resiliency. In sum, we appreciate your consideration of our comments; and without a chance to review the binder, we are in general support of Agenda Item 7(B) and its extension to lease applications not yet found to be in the public interest.

Respectfully,



Morgan Patton  
Executive Director



Ashley Eagle-Gibbs  
Conservation Director

cc: Susan Ashcraft, California Fish and Game Commission